

FILED  
12-18-2018  
CIRCUIT COURT  
DANE COUNTY, WI  
2018SC006016

STATE OF WISCONSIN

CIRCUIT COURT

DANE COUNTY

\* \* \* \* \*

FUTURE MADISON WEXFORD, INC., )  
)  
Plaintiff, )  
vs. ) Case No. 18-SC-6016  
)  
DENICE C. MORGAN, )  
)  
Defendant. )

\* \* \* \* \*

## TRANSCRIPT OF MOTION HEARING PROCEEDINGS

commencing on the 14th day of November, 2018, at approximately  
2:00 p.m. before the  
HONORABLE JUDGE FRANK D. REMINGTON

APPEARANCES: DENICE MORGAN present with Attorney at Law  
KOREY LUNDIN, Legal Action of Wisconsin,  
Madison, Wisconsin

Reported by:  
Colleen C. Clark  
Official Court Reporter, Branch 8  
Dane County Circuit Court  
215 S. Hamilton Street Room 4109  
Madison, WI 53703-3290

1 (Proceeding began at 2:00 p.m.)

2 THE COURT: This is Future Madison Wexford  
3 versus Denice Morgan. May I have the appearance, please.

4 MR. LUNDIN: The Defendant, Denice Morgan,  
5 appears in person and by Attorney Korey Lundin of Legal  
6 Action of Wisconsin. Good afternoon.

7 THE COURT: Good afternoon, Mr. Lundin.

8 So I put this on the court's calendar because I  
9 wanted to talk about it. I don't know off the top of my  
10 head, Mr. Lundin, whether you've brought this type of  
11 motion in Branch 8. I know that Attorney Wegleitner has.

12 MR. LUNDIN: I have brought motions like this in  
13 other branches, yes.

14 THE COURT: Have I ever granted one?

15 MR. LUNDIN: Not in a case I have been involved  
16 in. I believe in a case Attorney Wegleitner has a while  
17 ago, but I'm not 100 percent certain about that.

18 THE COURT: If I was king for the day, there's  
19 no question I would set about to fix the problems that are  
20 associated with the collateral consequences of litigation  
21 and how it affects people's lives.

22 This scenario, Ms. Morgan, is not unlike other  
23 equally if not more tragic circumstances, when individuals  
24 are swept up in the criminal justice system only to be  
25 acquitted or the case or the cause of action gets

1 dismissed and yet, everyone goes on to CCAP and just  
2 simply assumes that if someone files an action, you must  
3 be guilty of something and you can never sort of break  
4 away and get a fair shake.

5 Of course, the Constitution has always made  
6 these things and the actions of the court open to the  
7 public going back over 150 years. It was just that except  
8 for like the last 15 or 20 years, it was too hard to go  
9 down to the courthouse and dig through all the old musty  
10 books and find the information. Now people sitting in  
11 their pajamas can just search everyone's name, including  
12 my own, by the way, and find a wealth of information.

13 I suspect, Mr. Lundin, that you've been watching  
14 the Supreme Court convene a group called Making the  
15 Record, a group of circuit court and appellate court  
16 judges to talk about problems, and there are some changes  
17 on the horizon, thankfully.

18 Just by happenstance, at the Fall 2018 Judicial  
19 Conference, there was a presentation by Marcia Vandercook  
20 of court operations on the question of sealing circuit  
21 court records or information.

22 So I read your brief, Mr. Lundin, and you take a  
23 dual approach.

24 MR. LUNDIN: Correct.

25 THE COURT: One is, you say the Court has the

1           inherent power to do this, and alternatively, you say  
2           under your interpretation of the statutes, I have the  
3           statute authority to do this.

4                   MR. LUNDIN: That's correct, Your Honor. And  
5           just to be clear, the request we're making of the Court is  
6           not to seal any portion of the court file. We're not  
7           asking the Court to seal the court file from public  
8           record. We are only asking the Court to enter an order  
9           which would limit the ability of the case to appear on the  
10          online CCAP when someone searches for my client's name.  
11          That's very different than asking the Court to seal the  
12          entire court file --

13                   THE COURT: Right.

14                   MR. LUNDIN: -- or something like that.

15                   THE COURT: I understand.

16                   MR. LUNDIN: Which is not what we're asking for.

17                   THE COURT: Am I correct, because I looked,  
18          there is no appellate case that says I have the authority  
19          to do this, is there?

20                   MR. LUNDIN: Not directly on point as it relates  
21          to CCAP, no, but there are appellate cases that talk about  
22          the Court's inherent ability to preside over a case and to  
23          control, basically, the public record, going back quite a  
24          ways.

25                   THE COURT: No doubt. I mean, there are

1           hundreds if not thousands of iterations of that. There's  
2           no doubt the court has inherent power.

3                     Let me ask you this. I'm unaware of any  
4           appellate case that says the court's use of inherent power  
5           applies to and enables me to do what you're asking me to  
6           do here today. Do you agree?

7                     MR. LUNDIN: There's no case regarding CCAP  
8           specifically, but there are cases that I've cited in the  
9           brief, the Builder case is probably the most notable one,  
10          which talks about the court limiting access to the record.

11                    THE COURT: But Builder -- Builder is an  
12          interesting case. You're right. But in -- in Builder,  
13          essentially, the party wanting to keep the information out  
14          of the public eye lost, and the court said that  
15          recognizing that Builder had, let's, I think, a fairly  
16          legitimate concern of his reputation, the court said that  
17          the burden was on Builder not to prove that his reputation  
18          would be damaged but that the harm to the reputation and  
19          career would rise to the level of public interest, which  
20          is really, as you probably may conclude, is a  
21          significantly harder burden.

22                    And the Builder court says, look, even assuming  
23          for purposes -- at least how I read Builder, Mr. Lundin --  
24          the court said assuming that his reputation is irreparably  
25          damaged, that's not sort of a harm to the public

1 interests. Very cold and calculating, but if I were to  
2 use Builder in terms of an analogous application of the  
3 facts, it would say that, well, let's say the presence of  
4 the foreclosed -- excuse me, eviction on Ms. Morgan's CCAP  
5 history would certainly be a cause for her concern and  
6 most likely would do her harm, but under the Builder  
7 analysis, how can I conclude that her harm would rise to  
8 the level of a public interest?

9 MR. LUNDIN: Well, I think, Your Honor,  
10 another -- I think Builder is good in laying out some  
11 things for a Court to look at in determining whether to  
12 exercise its inherent authority.

13 A key difference though in Builder and this case  
14 is that Builder was all about limiting records to the  
15 public, and we're not asking the Court to limit records to  
16 the public.

17 THE COURT: Well, sort of you are. Let's just  
18 talk about the abstract --

19 MR. LUNDIN: Sure.

20 THE COURT: -- not against you, Ms. Morgan. But  
21 let's say a person has an eviction and let's say it was  
22 otherwise a bona fide eviction, but they were able to  
23 negotiate a resolution. Some would say the -- it's in the  
24 public's interest to know who is -- has eviction actions  
25 filed against them.

1                   Parenthetically, did you know Ms. Morgan already  
2                   has one previous eviction on CCAP?

3                   MR. LUNDIN: I do, yes. That's quite old, but  
4                   yes.

5                   THE COURT: Yeah.

6                   MR. LUNDIN: And I think a similar situation,  
7                   Your Honor, would be cases of domestic abuse injunctions,  
8                   which show up in CCAP as Petitioner v. the named  
9                   Respondent. Now, the reason they do is because of a  
10                  provision in federal law which tells the states they can't  
11                  disclose the name of domestic abuse victims, that's why  
12                  the courts uses that system in CCAP. Now, that's  
13                  essentially what we're asking the Court to do, was --

14                 THE COURT: Well you're --

15                 MR. LUNDIN: -- have it.

16                 THE COURT: I'm sorry to interrupt. You're  
17                  actually asking me, let's say where the circumstances  
18                  where two people come in on domestic abuse and they settle  
19                  it, let's say just contact or no contact order or maybe  
20                  sometimes it gets dismissed. The respondent would say,  
21                  Judge, I want you to seal my name because simply being  
22                  accused of domestic abuse, even though I've won my case  
23                  or, hey, it had no merit and I settled, wouldn't your  
24                  argument equally apply to sealing the respondent's name in  
25                  all the harassment or domestic abuse restraining orders?

1 MR. LUNDIN: It may well, but again, to be  
2 clear, I'm not asking for the Court to seal or redact or  
3 change or enter an order in a way where the case can never  
4 be found, because even with those domestic abuse  
5 injunctions, you can still find the case and get the  
6 record, even if you don't know the name -- even if you  
7 don't know the name of the petitioner, you can find that  
8 name out very easily. It's simply a matter of whether or  
9 not that name appears online.

10 THE COURT: Let me just look.

11 MR. LUNDIN: So I would be making -- I do think  
12 the restraining order case is a good example of another  
13 situation where a respondent who has a frivolous or  
14 baseless injunction filed against them is certainly going  
15 to face negative consequences as a result of that  
16 dismissal or stipulation of an injunction.

17 THE COURT: I should know this. Mr. Linden or  
18 Molly, what's the chapter that specifically says I can  
19 take the name off of CCAP? Do you know the number?

20 MR. LUNDIN: I -- the statute I refer to in the  
21 brief is 801.21, which is the Court's ability to seal or  
22 redact court documents.

23 THE COURT: No, I'm looking for the one that  
24 talks about if a party comes in and says I'm -- like we  
25 have it in maybe name changes, where there's a



1           demonstrable threat, I'm being stalked.

2                   MR. LUNDIN: Correct. That I don't have the  
3           citation off the top of my head, but that's the citation  
4           that allows somebody to ask that their name be taken off  
5           of CCAP for some sort of safety reason.

6                   THE COURT: Well, essentially, that's what  
7           you're asking. You're asking for your client's name to be  
8           taken off of CCAP. So you're asking for the same  
9           relief --

10                  MR. LUNDIN: Correct.

11                  THE COURT: -- perhaps for different reasons,  
12           but I just want to look at the language.

13                               (Pause.)

14                  THE COURT: Find it?

15                  THE CLERK: No. There's one for sealing court  
16           address, there's one for court records.

17                  THE COURT: What's the address one?

18                  MR. LUNDIN: To be candid, Your Honor, I'm not  
19           entirely certain that there's a statute that addresses  
20           said removal.

21                  THE COURT: I don't think so. I found the form.

22                  MR. LUNDIN: I found the form as well, and  
23           usually there's a statutory citation at the bottom of the  
24           form, and there isn't one on this form. I'm looking at  
25           form GF-183.

1           And for the record, Your Honor, I believe in  
2           looking things up, my client does have some prior small  
3           claims actions filed against her, but I do not believe she  
4           had a prior eviction filed.

5           THE COURT: Yeah. Keep looking. It's -- it's  
6           there. There actually -- it's against -- there's a small  
7           claims against the same company. The -- I didn't get a  
8           chance to look at the documents because they're not  
9           electronic -- they're not electronically stored.

10          MR. LUNDIN: What is the name of the case number  
11          the Court is referring to, if it has it?

12          THE COURT: Molly will find it.

13          MR. LUNDIN: Because the reason I ask, is if  
14          that case was resolved more than two years ago by  
15          stipulation or dismissal, it actually would not appear by  
16          CCAP and that's --

17          THE COURT: Oh, you know, you might be right,  
18          because I see -- I see everything.

19          MR. LUNDIN: Correct.

20          THE COURT: I don't see dead people, but I  
21          see --

22          MR. LUNDIN: And -- and that's the result of the  
23          Director of State Courts CCAP committee's recent report.

24          THE COURT: You're right.

25          MR. LUNDIN: Those cases are still available in

1 the Clerk's office, if I were to go down and do that  
2 search, as the Court can do on your computer, on my  
3 client's name, I would be able to find that file, but if  
4 it's older than two years old and was not -- there was no  
5 eviction granted, that case no longer appears on the  
6 online version of CCAP as of sometime this spring.

7 THE COURT: Okay. Well, Mr. Lundin, I found  
8 what I was looking for. Obviously, it doesn't provide a  
9 road map for what you want.

10 And as you correctly point out, form GF-183 does  
11 not have a statutory citation, which you're right,  
12 ordinarily you do. It must be that this form was created  
13 by the forms committee to address the Court's inherent  
14 authority to take the addresses out where the moving party  
15 is able to establish that there has been threats against  
16 that person's physical safety or their family, members of  
17 the household. I have signed these.

18 MR. LUNDIN: And the other basis for that, Your  
19 Honor, may be the federal law in the Violence Against  
20 Women Act, which prohibits states from identifying  
21 survivors of domestic abuse. That's why it shows up  
22 Petitioner v. the name of a party in a domestic abuse  
23 injunction. I don't have that statutory citation handy.

24 THE COURT: True, but curiously, I had a couple,  
25 this was years ago, with police officers wanted their

1 names taken out because they thought people would try to  
2 find them.

3 MR. LUNDIN: Sure.

4 THE COURT: And they didn't want their home  
5 address. So it does apply to more.

6 Now, you're right, Mr. Lundin, so here's an  
7 example. It is somewhat maddening, seems to me that the  
8 legislature or the Supreme Court acknowledges situations  
9 where in the balance of equities, a piece of information  
10 otherwise available should be removed under the  
11 appropriate circumstances. Now no one would argue that a  
12 woman who files an action to get away from her abuser is a  
13 victim of domestic abuse or is a victim of stalking should  
14 nonetheless have her address out there on the public  
15 website, that her abuser or stalker can just look her up  
16 and track her down. So they say where you can demonstrate  
17 to me that that piece of information creates an  
18 unreasonable risk balanced off against the public's right  
19 to know your name and address, we'll take the address out.

20 So clearly, that's an indication of the same  
21 kind of balancing that you're advocating here. Perhaps,  
22 possibly to a step further, in that by taking someone's  
23 address off, one could argue the address in and of itself  
24 to the public is an immaterial thing. I think the court  
25 cases or somewhere I read suggest that, well, an address

1           isn't particularly meaningful because people can move all  
2           the time and what the public has a right to know is what's  
3           the nature of the action and who are the parties. So an  
4           address is -- is not weighing and balancing of enough  
5           significance to keep available in the face of someone's  
6           real and present threat to their well-being and safety.  
7           Now taking the name off is a step further. Because then  
8           you're never going to know on the public available website  
9           that the person even filed the action.

10                       So here's where I am and I'll ask you this. As  
11           I said, if I was king for a day, I'd change the rules.  
12           The -- this issue was addressed at the judicial  
13           conference. Because one of the other problems I have that  
14           is -- can't be solved is, I'm sorry to say, Ms. Morgan,  
15           you sort of got bad luck for me, because I'm told other  
16           judges in Dane County do this. Judges -- some judges  
17           think they have more inherent authority, can do things. I  
18           don't think people -- two people similarly situated should  
19           get different answers to the same question. I mean,  
20           either it's right or it's wrong.

21                       So Mr. Lundin, we had a meeting in the -- of  
22           the -- I think a month or two ago of the judges in Dane  
23           County to talk about this exact issue, and although I  
24           think there probably were some judges to say they didn't  
25           care about the law, their head might have said denied but

1           their heart ruled and why not. Who's going to complain?  
2           Especially, in your case, the landlord doesn't even seem  
3           to complain.

4                     I've had actually some cases where the landlord  
5           says, no way, wait a minute, this is a principle, I want  
6           everybody to know what a deadbeat person this is. So at  
7           least in this case you've got the one party, possibly as  
8           representative of the larger party, not really being of a  
9           concern.

10                    So at the judge's meeting in Dane County and  
11           then at the judicial conference, it was pretty much  
12           suggested with the appropriate level of deferences to the  
13           judges who think they have their own inherent  
14           constitutional power, that there is no law or legal  
15           precedent for me to do what you ask.

16                    So I think, Mr. Lundin, let me ask -- tell you  
17           this. What if I said on the record that I acknowledged  
18           your argument and its persuasive value, that but for the  
19           absence of a statute or an appellate case that says I have  
20           this authority, I would grant the motion. But because I  
21           find no statute or case law from a court of appeals that  
22           says I have the authority, the motion has to be denied.

23                    I think I've set it up in a perfect way for you  
24           to appeal and once and for all, get the court of appeals  
25           to say, look, we already answered this question and this

1 question should be answered so it's binding on the  
2 300-some-60 judges in the State of Wisconsin because not  
3 only, Ms. Morgan, is this important to you but it's  
4 important to hundreds and hundreds of other people.

5 MS. MORGAN: Right.

6 THE COURT: And I'm just as interested in  
7 getting that answer as anyone else, especially, I can tell  
8 you the problems over in Milwaukee County just make Dane  
9 County pale.

10 I would like to see that I have the authority to  
11 do this. I would welcome, ironically, Mr. Lundin, the  
12 court of appeals telling me I made a mistake and I do have  
13 the authority. And I think that if that's the route you  
14 go, you ought to say this is not only an issue in Branch  
15 8, but it's based on legal actions and your resources, I'm  
16 sure you guys have been sort of hitting your head against  
17 the wall statewide with intermittent or spotty success.

18 MR. LUNDIN: I would say that's correct, Your  
19 Honor. We get different results from different judges and  
20 they are very different results.

21 THE COURT: So now I've created sort of a  
22 perfect question on appeal that says, I would grant it if  
23 the court of appeals says I had the authority. My own  
24 analysis, I'm not shirking it and I'm not throwing it to  
25 the court of appeals, my own analysis is that I don't.

1                   That's really the best I can do for you,  
2           Ms. Morgan, is to -- for you maybe to have the  
3           satisfaction that in the short run, if you can convince  
4           Mr. Lundin to appeal me, I won't take it personal at all,  
5           then you can stand up for the principle that you're  
6           presenting to the Court in representing all those other  
7           men and women --

8                   MS. MORGAN: Yes, that's what I wanted to say.

9                   THE COURT: -- that need to get this addressed,  
10          because the law doesn't really get out ahead of these  
11          things very well.

12                  MS. MORGAN: No. May I say something, Your  
13          Honor?

14                  THE COURT: Sure.

15                  MS. MORGAN: I just wanted to say that that's  
16          the other reason why there's so many homeless people is  
17          because of -- I'm sorry, you know, this sort of situation  
18          where, you know, if something comes on their record, it's  
19          not basically always their fault, but it faults them from  
20          being able to have housing, you know, because that's on  
21          their record.

22                  THE COURT: Well, I think --

23                  MR. LUNDIN: And --

24                  THE COURT: -- I think your scenario and the  
25          circumstances that you found yourself in is precisely that



1 situation, where you're a grandma taking care of your  
2 grandkids who I think, though I don't know anything about  
3 it, appears to have exercised very poor judgment, and then  
4 it comes back and fundamentally affects your ability to  
5 house and clothe --

6 MS. MORGAN: Absolutely.

7 THE COURT: -- and take care of yourself. So  
8 yeah, I mean, you're kind of, I'm being whipsawed by the  
9 system and being the last one standing coming out from  
10 behind, but -- but so, I -- I think what I'm trying to say  
11 to you, my heart is with you.

12 MS. MORGAN: Thank you.

13 THE COURT: But when you open the newspaper and  
14 you talk about what's a good judge, I struggle every day  
15 with saying, well, is it really my responsibility to make  
16 law where no law exists? Is it my responsibility to sort  
17 of say, I don't really care about what the current is.  
18 I'm just going to do what I think. I don't think, for me,  
19 that's the right thing for judges to do.

20 We have a court of appeals -- appellate courts  
21 who make law, the Supreme Court to make law. We have  
22 legislators to write laws.

23 MS. MORGAN: Yes.

24 THE COURT: I think I don't want to get you sort  
25 of make you overly optimistic, Mr. Lundin, because I think

1           this issue, although I didn't get a chance to look at it,  
2           I believe the committee that was making the record that  
3           looked in the changes, made changes that were far less  
4           sweeping than what many advocates wanted to once and for  
5           all address these problems.

6                   MR. LUNDIN: I would say that's correct. I  
7           think the committee took kind of a middle approach. They  
8           didn't go to one extreme or the other.

9                   THE COURT: Right. And in the context of my  
10          understanding of the committee and its application, the  
11          unfortunate circumstance Ms. Morgan finds herself in,  
12          she's shared by people wrongly accused of crimes, wrongly  
13          accused of domestic violence. Unfortunately, the system  
14          is this clash between three things. The public's right to  
15          know as codified in the Wisconsin Constitution paired with  
16          the technological advances that makes the information  
17          readily available at a click of a button as against then  
18          the real-life drama that's played out every day in  
19          people's homes dealing with the collateral consequence.

20                   MR. LUNDIN: And the one point I would add to my  
21          client's point, Your Honor, that may make this a little  
22          bit different than other cases, is that the law does  
23          explicitly give landlords the ability to deny somebody a  
24          housing application for any reason in the court record.

25                   THE COURT: Right.

1                   MR. LUNDIN: And as I cited in my brief, that  
2                   change in the law has given -- has made it more difficult  
3                   for people to find housing, because landlords can say, you  
4                   had an eviction filed against you, we don't care why it  
5                   was filed or whether it was validly filed, we will deny  
6                   your application for housing because the law will allow  
7                   you to do that.

8                   THE COURT: So what I have done in those cases  
9                   or most cases where the eviction was predicated on the  
10                  nonpayment of rent, I guess I'm the only one in Dane  
11                  County, because at the judge's meeting I'd talked about  
12                  this and I would sort of humbly suggest that 16 other  
13                  people that wore black robes thought this was a dumb idea,  
14                  I actually thought it was a good idea. And in cases in  
15                  which parties were wrongly accused of nonpayment of rent,  
16                  that it was a financial, and in the case is dismissed or  
17                  resolved, what I have done is entertain a motion,  
18                  Mr. Lundin, to change the Court's classification code,  
19                  essentially to say, this isn't about evicting, this was  
20                  about money, and they settled the money issues and the  
21                  money's all squared away, so this is just a claim for a  
22                  money damages.

23                  Now, by changing the classification code, then I  
24                  recharacterize it not from an eviction but to a claim for  
25                  money damages, which maybe ameliorates or helps that

1 concern that you have about landlords' reliance on  
2 evictions. I don't know if the law allows them to rely on  
3 people who find themselves sued in small claims court for  
4 money damages, but I certainly have no problem changing a  
5 classification code to dampen the collateral effects when  
6 it's just all about money.

7 MR. LUNDIN: And I don't think that's a bad  
8 approach. The difference in this case is there was no  
9 claim for money --

10 THE COURT: Correct.

11 MR. LUNDIN: -- so I don't think that change  
12 would work.

13 THE COURT: It wouldn't work. Yeah.  
14 Ms. Morgan's case is not the first time I've heard of the  
15 application of these rules and the situation, but there  
16 wouldn't be a convenient classification code to  
17 recharacterize from eviction to something else. But  
18 that's another way of, I believe, using the rules to try  
19 to get around unintended collateral consequences.

20 Is there anything else that you want to put in  
21 the record? I think you know that I'm going to deny the  
22 motion.

23 MR. LUNDIN: I don't believe so, Your Honor.

24 THE COURT: Well, like I said, Ms. Morgan, I  
25 know that -- well, thank you for coming.

1 MS. MORGAN: Yes.

2 THE COURT: And thank you for pressing the  
3 issue.

4 I'm sorry to say I've said no, but I -- I wanted  
5 to do it in a way that I thought communicated my  
6 sympathies and my understanding, and that I'm not -- I try  
7 not to be sort of the bureaucratic guy in a black robe  
8 that's just worried about the law and couldn't care less  
9 how it affected people who are just struggling to get by  
10 and raise your family and stay in your home. The good  
11 news is you've got a good lawyer that got -- helped you  
12 avoid the eviction.

13 MS. MORGAN: Absolutely. Yes.

14 THE COURT: Which is step number one.

15 MS. MORGAN: Yes.

16 THE COURT: I think there are probably some  
17 challenges ahead of you in what brings you tomorrow, but  
18 maybe the things are square with this particular landlord  
19 and the problems that arose to the issue of this case are  
20 behind you. And that, as Mr. Lundin noted, now at least  
21 after two years, the information will be gone. So  
22 regardless of what I do here today, at some point it will  
23 be gone. It used to be on there for...

24 MR. LUNDIN: Twenty years.

25 THE COURT: Yeah. For forever. I guess I

1 forgot the fact that it's on my computer forever but not  
2 on the public's.

3 MR. LUNDIN: Yeah.

4 THE COURT: But I guess you point out it's on  
5 the computer downstairs for longer.

6 MR. LUNDIN: Correct.

7 THE COURT: So then once again, I think people  
8 who are making these -- changing these rules understand  
9 this balancing, and balancing sort of is really good in a  
10 macroenvironment talking about these bigger issues, but it  
11 doesn't really help the unfortunate persons like yourself,  
12 Ms. Morgan, who where the balancing comes out in a way  
13 that just doesn't help you at the end of the day. But  
14 maybe if -- I don't mind whatever you do, Mr. Lundin, but  
15 if Mr. Lundin says, you know, he thinks he can persuade  
16 the court of appeals to carve this out as an appropriate  
17 exercise of discretion, I'll welcome being told I was  
18 wrong. Honestly, I -- I would personally say that the  
19 chances of the court of appeals doing that are I think  
20 pretty slim if they agree with my interpretation of the  
21 law and its failure, but if you can do that, more power to  
22 you.

23 MS. MORGAN: Thank you.

24 MR. LUNDIN: Thank you, Your Honor.

25 THE COURT: Good luck. Thank you for coming,

1 Ms. Morgan.

2 MS. MORGAN: Thank you also.

3 THE COURT: Wish you and your family the very  
4 best.

5 MS. MORGAN: Thank you so much.

6 MR. LUNDIN: Thank you. And I'll draft an order  
7 for the Court to sign.

8 THE COURT: Okay.

9 MR. LUNDIN: Thank you.

10 THE COURT: Just one last thought. So one in  
11 which -- let me just -- the tail end, because I didn't  
12 offer this. So although I'm not interested in making new  
13 law or creating new law or legislating from the bench,  
14 there is this -- the form GF-183, Mr. Lundin. You know,  
15 maybe -- maybe the circumstances involving the underlying  
16 issue involving your grandchildren and their, I guess,  
17 alleged criminal activity, once -- I didn't look into it  
18 at all.

19 MS. MORGAN: Right. Yes.

20 THE COURT: Are circumstances where your client  
21 would be able to avail herself of taking her address off  
22 of CCAP.

23 MS. MORGAN: Right.

24 THE COURT: Now -- well, you're not the only  
25 Morgan in this realm, because I know a bunch of Morgans.

1           You're the only Denice, with a C, Morgan.

2                   MS. MORGAN: I know.

3                   THE COURT: But I'll give you this form. My  
4           bailiff will bring you this form, and then if you think  
5           you can -- if that helps in any way and you think you can  
6           work your way, and what I say on this is if you can  
7           articulate more than just a generalized sort of fear, but  
8           that having her address on these online records in this  
9           kind of environment where -- where there are crimes being  
10          occurred around her, then I wouldn't have a problem with  
11          that.

12                  MR. LUNDIN: We'll certainly review that.

13                  THE COURT: I think the fact that there's a  
14          court-approved form says I have the authority, so that's  
15          not the question. It's just whether you put in facts  
16          enough for me to grant that relief.

17                  MR. LUNDIN: I'll certainly review that, Your  
18          Honor. Thank you.

19                  THE COURT: Give it a try.

20                       (Off the record at 2:36 p.m.)  
21  
22  
23  
24  
25



1       STATE OF WISCONSIN   )  
      ss.                        )  
2       COUNTY OF DANE        )

3                       I, COLLEEN C. CLARK, Registered Professional  
4       Reporter, Official Court Reporter, Branch 8, Dane County  
5       Circuit Court, hereby certify that I reported in Stenographic  
6       shorthand the proceedings had before the Court on this 14th day  
7       of November, 2018, and that the foregoing transcript is a true  
8       and correct copy of the said Stenographic notes thereof.

9                       On this day the original and two copies of the  
10       transcript were prepared by pursuant to Statute.

11                      Dated this 18th day of December, 2018.

12  
13                                       Electronically signed by:

14   *Colleen C. Clark*  
15   \_\_\_\_\_  
16   COLLEEN C. CLARK, RPR  
17   OFFICIAL COURT REPORTER  
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